

03500.016121



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
MUNEKI ANDO)	Examiner: Unassigned
Application No.: 10/054,895)	Group Art Unit: Unassigned
Filed: January 25, 2002)	
For: IMAGE DISPLAY APPARATUS)	August 19, 2002

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER M.P.E.P. §711.02

RECEIVED

AUG 22 2002

OFFICE OF PETITIONS

Sir:

I, Howard S. Greenberg, declare and say that:

1. I am employed by Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112, as a docket clerk professional. My responsibilities include docketing the receipt of documents from the Patent and Trademark Office, and maintaining records of such documents and records of periods of response thereunder.

2. On or about August 1, 2002 I did a routine status check of the subject application on the U.S. Patent and Trademark Office's computerized PAIR system and discovered that a Notice to File Missing Parts (hereinafter "Notice") was indicated as being mailed on March 18, 2002. For the reasons set forth below, however, I believe that the Notice

mailed by the Patent and Trademark Office was never received in our office

3. All communications from the Patent and Trademark Office are directed to me immediately upon receipt within the firm.

4. Each and every communication I receive from the Patent and Trademark Office is logged into a Day Book Report on the day it is received, along with a due date for responding to the communication. I have reviewed the entries in the Report concerning the period from March 18, 2002 through March 31, 2002. Those entries do not include an entry indicating receipt of a Notice or any other PTO paper concerning the above-identified patent application. Accordingly, I conclude that such a Notice dated March 18, 2002, was not received for that application.

5. In addition to my responsibilities, as stated above, for maintaining records of documents received from the Patent and Trademark Office, I also calculate and record in a Docket Book the date upon which responses to such Patent Office communications are due. The response due date to a March 18, 2002, Notice would have been May 18, 2002. The entries in the Docket Book on that date do not indicate that any response to a March 18, 2002, Notice in the above-identified application was due.

6. In addition to the above procedures and practices, I also maintain a computerized Master Docket in which is recorded the due date upon which a response to such Patent Office communication is due. The entries in that Master Docket on that date do not indicate that any response to a March 18, 2002, Notice in the above-identified application was due. A copy of a computer printout of the Master Docket is attached hereto as Exhibit A showing the last three digits of each application number having a due date on May 18, 2002. Again, Exhibit A does not refer to the above-identified application.

7. Further to the above procedures and practices, I also maintain a computerized file for each application which summarizes all of Applicants' filings and Patent Office communications. The computerized file for the subject application shows no indication of a Notice being received.

8. Accordingly, from a review of all of the above-referenced records, it is my belief that the firm never received the Notice.

Date: AUGUST 19 2002

Howard S. Greenberg
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